THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 22589 OF 1994

Between :

K. Rama Raju
S/o Rajam Raju,
Bhimavaram

… Petitioner

And :

Secretary, Education Department,
Government of AP, Hyderabad and others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 22589 OF 1994

ORAL ORDER :

The writ petition is filed by a retired Physical Director, DNR College, Bhimavaram (retired on 31.7.1993) seeking payment of arrears of salary under the revised UGC Pay Scales of 1986, attached to the post of Physical Director up to the date of his retirement and for fixation of superannuation benefits duly computing the petitioner's entitlement under the revised UGC pay scales of 1986.

Claiming UGC scales of pay for his service as Physical Director in the college, the petitioner earlier filed W.P. No. 13530 of 1987. The writ petition was allowed on 25.6.199 by this court directing the respondents to pay the UGC scales of pay attached to the post of Physical Director, w.e.f. 9.9.1984.

The petitioner was extended the said benefit as directed. The UGC pay scales were revised in 1989 w.e.f. 1986. The respondents did not extend the benefit of revised scales, to the petitioner. He filed Contempt Case No. 19 of 1990 against respondents 1 and 2 herein alleging that non-payment of revised UGC scales of pay was in violation of the judgment of this court in W.P. No. 13530/87. The Contempt Case was rejected by the order dated 31.10.1991. This court held that the respondents could not be punished for contempt of the judgment in W.P. No. 13530/87 for not paying the revised UGC scales of pay to the petitioner as payment of the revised UGC scales of pay was not a component of the judgment of this court. Aggrieved thereby the petitioner preferred a Contempt Appeal No. 8 of 1983, which was also dismissed on 3.9.1993. He thereupon filed the present writ petition.

The petitioner is seeking the monetary benefits consequent on the revised UGC scales of pay of 1986 which are stated to have been revised in the year 1989 but w.e.f. 1986. The writ petition is filed in 1994, five years after the entitlement accrued to the petitioner. The pursuit by the petitioner of the contempt remedies was wholly misconceived as the judgment in W.P. No.13530/87 did not deal with the component of the revised UGC scales of pay. Therefore pursuing the contempt remedies could not be considered as pursuit of remedies under a mistaken notion of law. The petitioner cannot pursue a suit in 1994 for realization of amount pursuant to the 1986 revised UGC scales of pay as it would be barred by limitation. Claim for monetary reliefs which would have been barred by limitation in a suit could not be pursued in a writ petition u/Art. 226 of the Constitution. The writ petition is barred by latches and delay.

For the aforesaid reasons no relief could be granted.

The writ petition is accordingly dismissed. No order as to costs.

Dt: 22.0.2006 ----------

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Pvsn Justice G.

Raghuram